IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 10194 of 2005

Between:

Duda Bhavani Shanker S/o. Pentaiah
Srikakulam Municipality, R/o. Flot No. 373, APHP Colony,
Patha Srikakulam, Srikakulam Town.

..... PETITIONER

AND

1. The Secretary, Municipal Administration, Secretariat Buildings, Hyderabad.
2. The Commissioner, Srikakulam Municipality, Srikakulam.
3. The Superintendent of Police, Srikakulam.
4. Sistu Ramesh S/o. Rama Rao
R/o. Srikakulam
5. Ayyagari Rammohan S/o. late Krishna Rao
R/o.Palakonda Road, Srikakulam.
6. T. Chandra Sekhara Rao S/o. late Karunaji Rao
R/o.Palakonda Road, Srikakulam.
7. K. Ramesh S/o. K. Rama Rao
Kaki veedhi, Srikakulam.
8. H. Sivaji Rao S/o. late H.B. Krishna Murthy
New Colony, Srikakulam.
9. D. Gopal Rao S/o. late Narayana
L.B.S. Colony, Srikakulam.
(RR 4 to 9 impleaded as per Court order dated 4-7-2005 in WPMP 15099 of 2005)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate, writ order or direction, preferably a writ in the nature of Mandamus, to declare and direct the 3rd Respondent to break the walls developed on the public road and thereby allow the inflow of the traffic on the road admeasuring to 30 feet to 400 feet on the eastern side of the Superintending of Police Bungalow in the interests of Justice and equity and to pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr. SAMINENI KISHORE

Counsel for Respondent No.1: G.P. for Municipal Admn.

Counsel for Respondent No.2: Mr. S.Nageswara Reddy

SC for Municipalities.

Counsel for Respondent No.3: G.P. for Home

Counsel for Respondents 4 to 9: K.V.Subrahmanya Narsu

The Court made the following :

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

The allegation of the writ petitioner was that the Superintendent of Police of Srikakulam has annexed a road by the side of the compound of his official Bungalow with the Bungalow. The grievance was that there used to be pathway to Hotel Nagavali, which was annexed to the Bungalow of the Superintendent of Police. Certain interim orders were passed. Counters have also been filed. It was never disputed that the pathway had been annexed with the Bungalow of the S.P.

Learned Government Pleader has placed on record a letter received by him, which is addressed by the Commissioner, Srikakulam Municipality to the Superintendent of Police. In this letter, it has been stated that the town surveyor has surveyed the area and demarcated the land and the walls constructed to annex the pathway have already been demolished and the pathway has been restored. In this view of the communication, no further orders are necessary to be passed and the Writ Petition is closed.

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BILAL NAZKI, ACJ.

19.7.2005.

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G.CHANDRAIAH, J.

VR.

To

1. The Secretary, Municipal Administration, Secretariat Buildings, Hyderabad.
2. The Commissioner, Srikakulam Municipality, Srikakulam.
3. The Superintendent of Police, Srikakulam.
4. Two CCs to Government Pleader for Municipal Administration, High Court Buildings, Hyderabad (OUT).

5. Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

6) 2 CD copies

7) 1 CC to MR.SAMINENI KISHORE

*Form-NIC-OGS/WP{**VSMI**}*